

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

SAMUEL LIT,

Plaintiff

Case No.

vs.

ULTA BEAUTY, INC.

Defendant.

COMPLAINT

Samuel Lit brings this patent-infringement action against Ulta Beauty, Inc. (“Ulta”).

Parties

1. Lit is an individual residing in Pennsylvania.
2. Ulta is a Delaware corporation with its principal place of business in Bolingbrook, Illinois.

Jurisdiction and Venue

3. This action arises under the patent laws of the United States, 35 U.S.C. §§ 101 *et seq.*
4. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a).
5. This Court may exercise personal jurisdiction over Ulta. Ulta’s principal place of business is within this District; Ulta conducts continuous and systematic business in this District; and this patent-infringement case arises directly from Ulta’s continuous and systematic activity in this District. In short, this Court’s exercise of jurisdiction over Ulta would be consistent with the Illinois long-arm statute and traditional notions of fair play and substantial justice.

6. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b).

Infringement of U.S. Patent No. 8,793,330

7. Lit is the exclusive owner of U.S. Patent 8,793,330 (the “‘330 patent”), which is attached as Exhibit A.

8. The ‘330 patent is valid and enforceable.
9. Ulta has and is directly infringing some or all of the 20 claims of the ‘330 patent.

For example, and to illustrate one of the claims that Ulta infringes, Ulta infringes claim 16 as follows:

- a. Claim 16 is a “system for displaying content” with “a display carousel embedded into a website” having “one or more display windows configured to display said content and to revolve at a predetermined rate of speed[.]” (Ex. A (‘330 patent), col. 10:62-11:2.) Ulta operates the website <https://www.ulta.com>. That site includes a display carousel embedded in the site and contains display windows configured to display content and revolve at a predetermined rate of speed. For example, as of March 16, 2018, the site contained the following three windows that displayed content at the predetermined rate of speed of about six seconds: (i) “Prismatic Hues”; (ii) “Urban Remix”; and (iii) “Skin-fatuation.”
- b. The claim 16 includes “a display engine configured to deliver said content to said display windows of said display carousel when said website or webpage is displayed on a web browser, wherein said display engine is in communication with said website or webpage and a server of said system[.]” (Ex. A (‘330 patent), col. 11:3-7.) A display engine communicates with the Ulta site and a server, thereby powering the Ulta display carousel described above.

- c. Claim 16 includes “a database comprising storage and retrieval functionality for statistical and financial information about said content displayed on said display carousel, wherein said database is in communication with said server[.]” (Ex. A (‘330 patent), col. 11:8-11.) Ulta uses a database to track how many customers click through a window to purchase, for example, eye shadow.
- d. In claim 16, the displayed content “is instantly passed between said display engine and said display carousel[.]” (Ex. A (‘330 patent), col. 11:12-13), as is done on the Ulta website when the display engine powers the display carousel.

Prayer for Relief

WHEREFORE, Lit prays for the following relief against Ulta:

- (a) Judgment that Ulta has directly infringed claims of the ‘330 patent;
- (b) For a reasonable royalty;
- (c) For pre-judgment interest and post-judgment interest at the maximum rate allowed by law;
- (d) For such other and further relief as the Court may deem just and proper.

Demand for Jury Trial

Lit demands a trial by jury on all matters and issues triable by jury.

Date: March 21, 2018

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